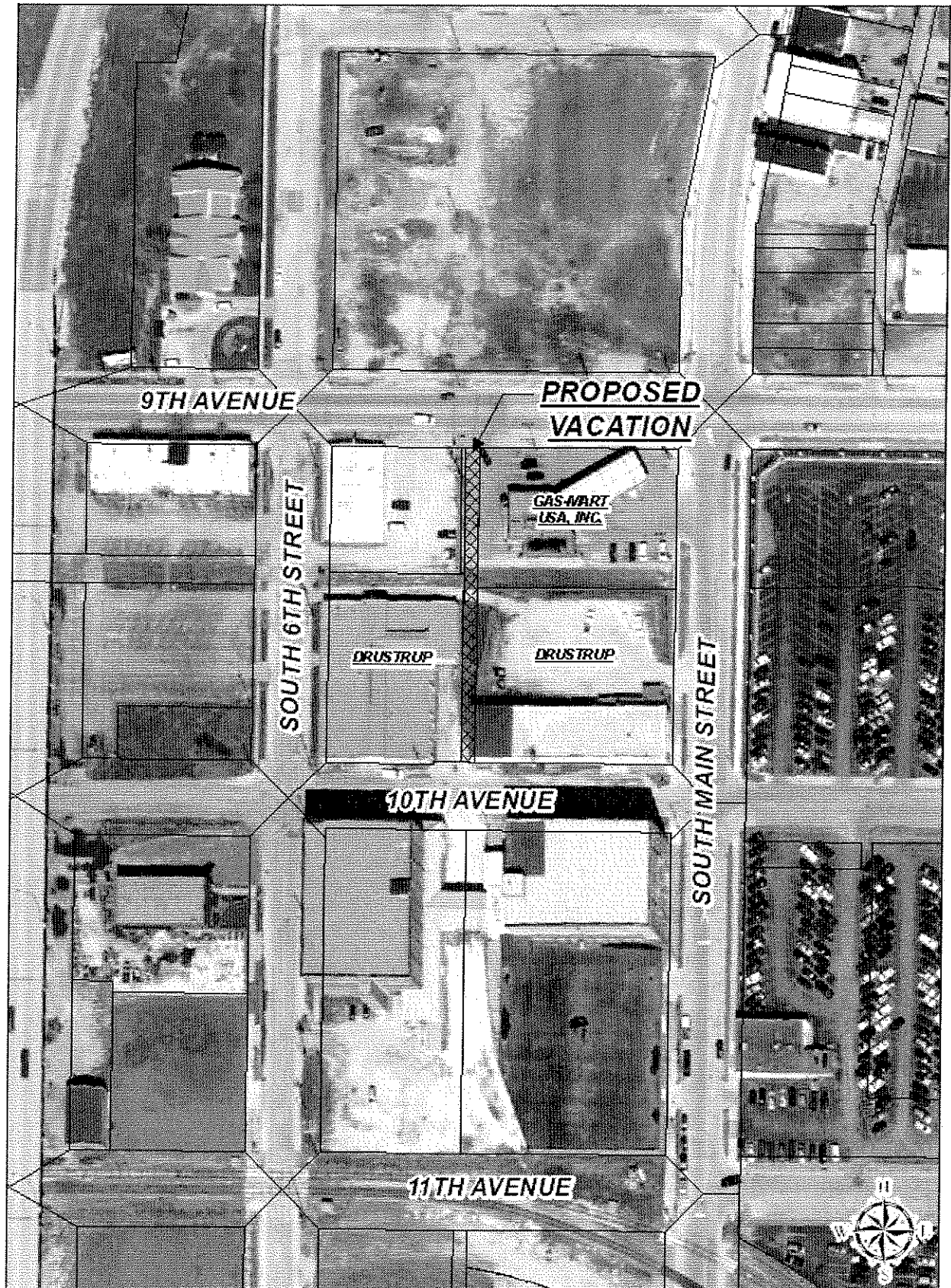


Council Communication

Department/Applicant: Community Development Department Case #SAV-09-004	Resolution of Intent No. <u>09-174</u> Resolution to Dispose No. _____	Council Meeting: 6/22/09 Planning Commission: 06/09/09 Set Public Hearing: 06/22/09 Public Hearing: 07/13/09
Subject/Title Request of Community Development Department to vacate the West north/south alley in Block 7, Riddles Subdivision. This alley runs from 9 th to 10 th Avenue between South Main and South 6 th Streets.		
Background Tenth Avenue between South Main Street and South 6 th Street is scheduled for reconstruction this summer. The Community Development Department is proposing to vacate the above named alley in order to provide flexibility in the location of proposed curb cuts and placement of electrical equipment. The alley is unopened and measures 12 feet wide by 272 feet long for a total of 3,264 square feet. Mid American Energy has electrical facilities in the northern portion of the alley and will be installing additional underground facilities in the southern portion as part of the 10 th Avenue Project. There has been no indication of any other utilities within the subject right-of-way. There only two owners abutting this right-of-way and they each abut both sides of the alley. Gas-Mart USA at the southwest corner of 9 th Avenue and South Main Street and Edwin and Kristie Drustrup (Woodcrafters) who own the south half of the block. Neither party has returned their written response indicating if they are willing or unwilling to acquire their portion of right-of-way. However, over the years, the alley right-of-way has been incorporated into and used as part of each of these properties.		
Recommendation In order to relieve the City of any potential liability connected to the subject right-of-way and to provide flexibility in the location of proposed curb cuts and placement of electrical equipment, the Community Development Department recommends vacating the West north/south alley in Block 7, Riddles Subdivision subject to a utility easement being retained. Public Hearing Gayle Malmquist appeared before the Planning Commission in favor of the request. No one appeared in opposition. Planning Commission Recommendation The Planning Commission recommends vacating the West north/south alley in Block 7, Riddles Subdivision subject to retaining a utility easement. VOTE: AYE 7 NAY 0 ABSTAIN 0 ABSENT 4 Motion: Carried		
Attachments: Map showing requested right-of-way vacation Prepared By: Rebecca Sall, Planning Technician, Community Development Department		



CASE #SAV-09-004

Prepared by: Community Development Dept., Co. Bluffs, IA 51503 – Phone: 328-4629
Return to: City Clerk, 209 Pearl Street, Co. Bluffs, IA 51503 – Phone: 328-4616

RESOLUTION NO. 09-174

A RESOLUTION OF INTENT TO VACATE THE WEST NORTH/SOUTH ALLEY IN BLOCK 7, RIDDLES SUBDIVISION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, the Community Development Department of the City of Council Bluffs requests vacation of the West north/south alley in Block 7, Riddles Subdivision which runs from 9th to 10th Avenue between South Main and South 6th Streets; and

WHEREAS, this City Council hereby declares its intent to consider disposition of this City right-of-way by conveying and quitclaiming all of its right, title and interest in it to the abutting property owner(s).

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

That this City Council hereby declares its intent to consider disposition of the above described City property; and

BE IT FURTHER RESOLVED

That a public hearing on the City's intent to dispose of this property is hereby set for July 13, 2009.

ADOPTED
AND
APPROVED: June 22, 2009

Thomas P. Hanafan Mayor

ATTEST: _____
Marcia L. Worden, Acting City Clerk

Council Communication

Department/Applicant: Community Development Department	Resolution No. <u>09 - 175</u>	City Council: June 22, 2009
Subject/Title		
Resolution setting public hearing on the plans, specifications and form of contract for the Rivers Edge Subdivision Site Grading.		
Background		
<p>The City has been planning for the redevelopment of Playland Park and the development of the Missouri riverfront for the past several years. Sufficient funding as been secured to initiate the project. The first phase will include the installation of a trunk storm sewer system along the I-480 through the Missouri River levee and discharging to the Missouri River. This phase would also include demolition of the western 2/3 of Playland Park and adding fill dirt. With the exception of the ball field, one shelter and an unpaved parking lot, the existing park will continue to remain in use. Further, the work is consistent with the Playland Park Master Plan and will be coordinated with the proposed pedestrian bridge landing improvements and river front development concepts being developed by Sasaki. Staff has advanced this phase of the project for the following reasons:</p> <ul style="list-style-type: none">• With the Improvements to the 2nd Avenue pump station and the extension of a sanitary sewer trunk line, the site will be served with municipal utilities with the exception of adequate storm sewer. Upon completion, full utility service will be provided and the site ready for development.• Regardless of the type of development to occur on the site, the location of the storm sewer is fixed by the need to drain portions of the abutting interstate, the location of existing storm sewer outlet structures on the levee, and site topography.• The storm sewer work through the levee system and in the riverfront area will be an intrusive project, which needs to be installed prior to the installation of any park and roadways to minimize impacts.• A significant amount of fill material will be hauled to the site which could be potential disruptive to other contemplated activities including the pedestrian bridge landing and riverfront development. Grading prior will eliminate potential impacts on these future improvements.• Grant funding received for the project needs to be expended on or before March 31, 2010. <p>The following timeline for the street improvement portion of the project is proposed. In order to proceed, we are asking City Council to set a public hearing on the plans, specifications and form of contract. This public hearing shall be held on July 13, 2009 at 7:00 p.m. in the City Council chambers. The rest of the timeline shall be as follows: August 4, 2009 - Bid opening; August 10, 2009 - City Council award; September 1, 2009 - Start construction work; and December 31, 2010 - Construction work complete.</p>		
Recommendation		
Approval of the resolution		
Attachments: Resolution and Map		
Prepared By: Donald Gross, Community Development Department		

RESOLUTION NO. 09-175

A RESOLUTION DIRECTING THE CITY CLERK TO PUBLISH NOTICE AND SETTING A PUBLIC HEARING ON THE PLANS, SPECIFICATIONS AND FORM OF CONTRACT FOR THE RIVERS EDGE SUBDIVISION SITE GRADING.

WHEREAS, the City wishes to make storm sewer and grading improvements known as the Rivers Edge Subdivision Site Grading within the City, as therein described; and

WHEREAS, this project will involve the installation of a trunk storm sewer along the north right-of-way of I-480 to the west through the Missouri River Levee with discharge to the Missouri river; and

WHEREAS, further this project will involve the grading of the site between the existing Playland Park to the Missouri River levee south of Avenue B; and

WHEREAS, such improvements are required to accommodate the further development of the area; and

WHEREAS, the plans, specifications and form of contract for the storm sewer and site grading are on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED

BY THE CITY COUNCIL

OF THE

CITY OF COUNCIL BLUFFS, IOWA

That the City Clerk is hereby directed to set a public hearing on July 13, 2009 at 7:00 p.m. on the plans, specifications and form of contract for the Rivers Edge Subdivision Site Grading.

ADOPTED

AND

APPROVED: June 22, 2009

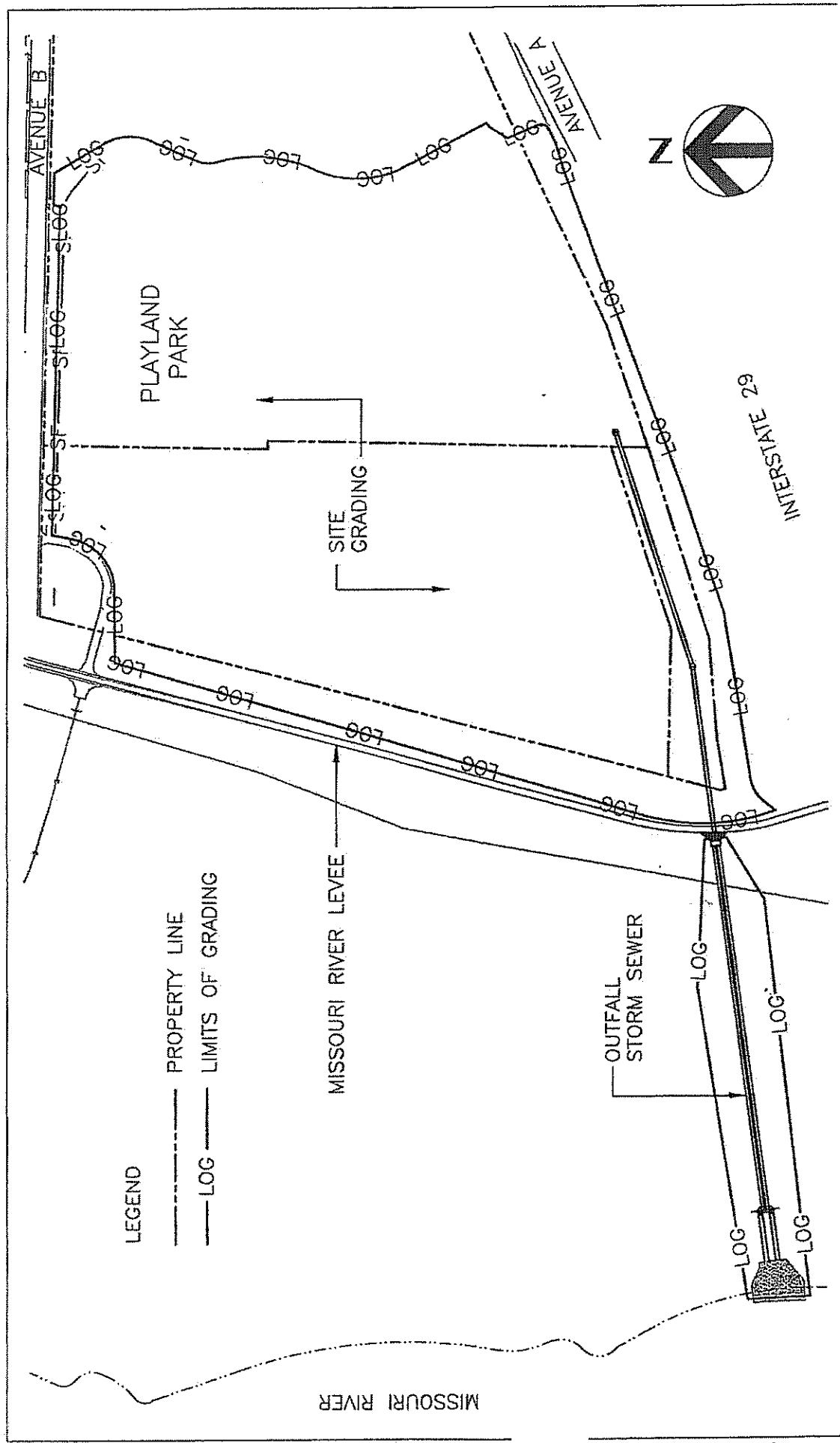
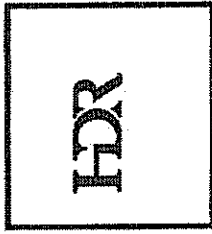
Thomas P. Hanafan

Mayor

ATTEST:

Marcia L. Worden, Acting City Clerk

Rivers Edge Subdivision
Site Grading and Outfall
Storm Sewer Exhibit



Council Communication

Department: Community Development Case/Project No.: URN-09-001	Ordinance No.: N/A Resolution No.: <u>09-176</u>	City Council: June 22, 2009 First Reading: N/A Second Reading: N/A Third Reading: N/A Public Hearing: N/A
Subject/Title Amendment #2 to the Playland Park Urban Renewal Plan		
Location North and south of the I-480 and 41 st Street interchange		
Background/Discussion <u>Background</u> In June of 2003, City Council adopted the Playland Park Urban Renewal Plan in order to accommodate a high rise condominium project, which never materialized. In June of 2005, the urban renewal plan was amended to add additional land and several new projects, including riverfront development, the development of portions of Playland Park and the redevelopment of the Frito Lay and Dodge Park clubhouse areas. The urban renewal plan is again in need of amending, to add new areas along the Missouri River, update proposed project area activities, including costs and public debt and to modify the effective term of the plan. <u>Discussion</u> The first step in amending the Playland Park Urban Renewal Project Area is the adoption of a resolution of necessity. This resolution will cause several actions. These actions include directing staff to amend the urban renewal plan, establishing a date for consultation with other taxing jurisdictions, City Planning Commission hearing and review, setting a date for City Council public hearing and other appropriate legal notices. A resolution, which calls for these activities, has been prepared and is attached for your review and consideration. This resolution establishes the following timeframe: 7-2-09 Consultation meeting to be held with other taxing jurisdictions 7-14-09 City Planning Commission hearing and review 7-27-09 City Council public hearing on the amended urban renewal plan		
Staff Recommendation Staff recommends City Council adopt the resolution of necessity directing staff to amend the Plan, set the dates for a consultation and public hearing on Amendment #2 to the Playland Park Urban Renewal Plan and Area.		
Attachments Resolution of Necessity and map Illustration 1 - Location		

Submitted by: Brenda Carrico, Program Coordinator, Community Development Department
Approved by: Donald D. Gross, Director, Community Development Department

Illustration 1- Location



Prepared by REB, 3/20/09

Council Member _____ then introduced the following proposed Resolution entitled "RESOLUTION SETTING DATES OF A CONSULTATION AND A PUBLIC HEARING ON A PROPOSED AMENDMENT NO. 2 TO THE PLAYLAND PARK URBAN RENEWAL PLAN IN THE CITY OF COUNCIL BLUFFS, STATE OF IOWA", and moved that the same be adopted. Council Member _____ seconded the motion to adopt. The roll was called and the vote was,

AYES: _____

NAYS: _____

Whereupon, the Mayor declared the Resolution duly adopted as follows:

RESOLUTION NO. _____

RESOLUTION SETTING DATES OF A CONSULTATION AND
A PUBLIC HEARING ON A PROPOSED AMENDMENT NO. 2
TO THE PLAYLAND PARK URBAN RENEWAL PLAN IN THE
CITY OF COUNCIL BLUFFS, STATE OF IOWA

WHEREAS, by Resolution No. 03-138, adopted June 23, 2003, this Council found and determined that certain areas located within the City are eligible and should be designated as an urban renewal area under Iowa law, and approved and adopted the Playland Park Urban Renewal Plan (the "Plan") for the Playland Park Urban Renewal Plan Area (the "Playland Park Urban Renewal Area") described therein, which Plan is on file in the office of the Recorder of Pottawattamie County; and

WHEREAS, by Resolution No. 05-186, adopted June 27, 2005, this City Council approved and adopted an Amendment No. 1 to the Plan; and

WHEREAS, this Urban Renewal Area currently includes and consists of:

Lots 174 through 185 in Twin City Gardens an Addition to
the City of Council Bluffs, Iowa, part of Government Lot 3
and accretions thereto in the Southwest Quarter of the
Southwest Quarter SW1/4SW1/4 of Section 28 and in

the Southeast Quarter of the Southeast Quarter SE1/4SE1/4 of Section 29 and part of Government Lot 1 and accretions thereto in the Northeast Quarter of the Northeast Quarter NE1/4NE1/4 of Section 32 and in the Northwest Quarter of the Northwest Quarter NW1/4NW1/4 and Northeast Quarter of the Northwest Quarter NE1/4NW1/4 of Section 33, all in Township 75 North, Range 44 West of the Fifth Principal Meridian, City of Council Bluffs, Pottawattamie County, Iowa, more fully described as follows:

Beginning at the intersection of the westerly right-of-way line of North 40th Street with the centerline of Avenue B;

thence westerly along said centerline of Avenue B, 2,500 feet, more or less, to the easterly high bank of the Missouri River;

thence southerly, along said easterly high bank of the Missouri River, 1750 feet, more or less, to the southerly right-of-way line of Interstate Route I-480, said southerly right-of-way line also being the northerly right-of-way line of Old West Broadway;

thence easterly and northeasterly along said right-of-way lines, 2000 feet, more or less, to a point on the northerly prolongation of the easterly right-of-way line of 41st Street;

thence along said northerly prolongation and along said easterly right-of-way line, South 24 degrees 17 minutes 58 seconds East, 198.93 feet to a point on a northerly line of property owned by the City of Council Bluffs (Dodge Park Golf Course);

thence along said northerly line, South 65 degrees 46 minutes 10 seconds West, 80.00 feet to a point on the westerly line of the said City of Council Bluffs property;

thence along said westerly line, South 24 degrees 20 minutes 58 seconds East, 303.68 feet;

thence North 80 degrees 28 minutes 59 seconds East, 62.63 feet to a point on a non-tangent curve, concave northwesterly, to which point a radial line bears South 9 degrees 16 minutes 53 seconds East, 257.12 feet;

thence northeasterly, along said curve, through a central angle of 96 degrees 06 minutes 50 seconds, 431.31 feet;

thence North 65 degrees 35 minutes 40 seconds East, 156.25 feet;

thence North 37 degrees 36 minutes 10 seconds East, 87.56 feet;

thence North 69 degrees 17 minutes 02 seconds East, 173.94 feet;

thence South 66 degrees 42 minutes 24 seconds East, 97.62 feet;

thence South 6 degrees 23 minutes 50 seconds East, 518.48 feet;

thence South 0 degrees 09 minutes 15 seconds West, 520.29 feet;

thence South 89 degrees 32 minutes 49 seconds East, 250.00 feet to a point on the southerly prolongation of the westerly line of Ferry Addition to the City of Council Bluffs;

thence along said southerly prolongation, along said westerly line of Ferry Addition and along its prolongation northerly, North 0 degrees 09 minutes 15 seconds East, 1104 feet to a point on the southerly right-of-way line of the South 37th Street Extension;

thence in a general northwesterly and westerly direction along said southerly right-of-way line, 580 feet, more or less, to the intersection with the southerly prolongation of the westerly right-of-way line of said North 40th Street;

thence northerly, along said southerly prolongation and along said westerly right-of-way line 1050 feet, more or less, to the centerline of said Avenue B and the Point of Beginning.

Said parcel contains an area of 76.53 acres, more or less.

WHEREAS, the proposed urban renewal does not include land classified as agricultural land; and

WHEREAS, City staff has caused there to be prepared a form of Amendment No. 2 to the Plan, a copy of which has been placed on file for public inspection in the office of the City Clerk and which is incorporated herein by reference, the purpose of which is to add new areas along the Missouri River, update proposed project activities, and modify the effective term of the Urban Renewal Plan; and

WHEREAS, this proposed Amendment No. 2 to the Playland Park Urban Renewal Area adds land, as follows:

(SOUTH PARCEL)

A PARCEL OF LAND BEING A PORTION OF THE ACCRETIONS TO GOVERNMENT LOTS 1, 2 AND 3, TOGETHER WITH RIPARIAN RIGHTS IN SECTION 33, TOWNSHIP 75 NORTH, RANGE 44 WEST OF THE 5th PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, BEING MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF WEST BROADWAY (I-480) AND THE EAST RIGHT-OF-WAY LINE OF THE COUNCIL BLUFFS MISSOURI RIVER LEVEE;

THENCE SOUTHERLY ALONG SAID EAST RIGHT-OF-WAY LINE, 2739 FEET (MORE OR LESS) TO A POINT ON THE EASTERLY PROLONGATION OF THE SOUTH BACK-OF-CURB LINE OF HARRAH'S CASINO NORTH PARKING LOT;

THENCE ALONG SAID EASTERLY PROLONGATION, ALONG SAID SOUTHERLY BACK-OF-CURB AND ALONG IT'S WESTERLY PROLONGATION, SOUTH 64 DEGREES 10 MINUTES 04 SECONDS WEST, 564 FEET (MORE OR LESS) TO A POINT ON THE EAST HIGH BANK OF THE MISSOURI RIVER;

THENCE NORTHERLY, ALONG SAID EAST HIGH BANK, 2516 FEET (MORE OR LESS) TO A POINT ON

SAID SOUTH RIGHT-OF-WAY LINE OF WEST
BROADWAY (I-480);

THENCE EASTERLY, ALONG SAID SOUTH RIGHT-OF-
WAY LINE, 675 FEET (MORE OR LESS) TO THE POINT
OF BEGINNING.

SAID PARCEL CONTAINS AN AREA OF 25.6 ACRES,
MORE OR LESS.

AND

(NORTH PARCEL)

A PARCEL OF LAND BEING A PORTION OF THE WEST
HALF OF THE SOUTHWEST QUARTER (W1/2 SW1/4)
IN SECTION 28 AND A PORTION OF THE EAST HALF
OF THE SOUTHEAST QUARTER (E1/2 SE1/4) OF
SECTION 29, ALL IN TOWNSHIP 75 NORTH, RANGE 44
WEST OF THE 5th PRINCIPAL MERIDIAN, CITY OF
COUNCIL BLUFFS, POTTAWATTAMIE COUNTY,
IOWA, BEING MORE FULLY DESCRIBED AS
FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTH
RIGHT-OF-WAY LINE OF AVENUE "B" AND THE
EAST RIGHT-OF-WAY LINE OF THE COUNCIL
BLUFFS MISSOURI RIVER LEVEE;

THENCE ALONG THE WESTERLY PROLONGATION
OF SAID NORTH RIGHT-OF-WAY LINE, 895 FEET
(MORE OR LESS) TO A POINT ON THE EAST HIGH
BANK OF THE MISSOURI RIVER;

THENCE NORTHERLY, ALONG SAID EAST HIGH
BANK, 1666 FEET (MORE OR LESS) TO A POINT ON
THE WESTERLY PROLONGATION OF THE NORTH
RIGHT-OF-WAY LINE OF AVENUE "G";

THENCE ALONG SAID WESTERLY PROLONGATION,
SOUTH 88 DEGREES 34 MINUTES 53 SECONDS EAST,
1369 FEET (MORE OR LESS) TO A POINT ON THE

EAST RIGHT-OF-WAY LINE OF SAID COUNCIL
BLUFFS MISSOURI RIVER LEVEE;

THENCE SOUTHWESTERLY, ALONG SAID EAST
RIGHT-OF-WAY LINE, 1793 FEET (MORE OR LESS) TO
THE POINT OF BEGINNING.

SAID PARCEL CONTAINS AN AREA OF 45.87 ACRES,
MORE OR LESS.

; and

WHEREAS, the Iowa statutes require the City Council to submit the proposed Amendment No. 2 to the Playland Park Urban Renewal Plan to the Planning and Zoning Commission for review and recommendation as to its conformity with the General Plan for development of the City as a whole prior to Council approval of such Amendment, and further provides that the Planning and Zoning Commission shall submit its written recommendations thereon to this Council within thirty (30) days of its receipt of such proposed Amendment No. 2 to the Playland Park Urban Renewal Plan; and

WHEREAS, the Iowa statutes further require the City Council to notify all affected taxing entities of the consideration being given to the proposed Amendment No. 2 to the Playland Park Urban Renewal Plan and to hold a consultation with such taxing entities with respect thereto, and further provides that the designated representative of each affected taxing entity may attend the consultation and make written recommendations for modifications to the proposed division of revenue included as a part thereof, to which the City shall submit written responses as provided in Section 403.5, as amended; and

WHEREAS, the Iowa statutes further require the City Council to hold a public hearing on the proposed Amendment No. 2 to the Playland Park Urban Renewal Plan subsequent to notice thereof by publication in a newspaper having general circulation within the City, which notice shall describe the time, date, place and purpose of the hearing, shall generally identify the urban renewal area covered by the Amendment and shall outline the general scope of the urban renewal project under consideration, with a copy of the notice also being mailed to each affected taxing entity.

NOW THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE
CITY OF COUNCIL BLUFFS, STATE OF IOWA:

Section 1. That the consultation on the proposed Amendment No. 2 to the Playland Park Urban Renewal Plan required by Section 403.5(2) of the Code of Iowa, as amended, shall be held on the 2nd day of July, 2009, in the Community Development

Department Conference Room, 403 Willow Avenue, Council Bluffs, Iowa, at 10:00 o'clock A.M., and the Designated Representative is hereby appointed to serve the City for purposes of conducting the consultation, receiving any recommendations that may be made with respect thereto and responding to the same in accordance with Section 403.5(2).

Section 2. That the City Clerk is authorized and directed to cause a notice of such consultation to be sent by regular mail to all affected taxing entities, as defined in Section 403.17(1A), along with a copy of the proposed Amendment No. 2 to the Playland Park Urban Renewal Plan, the notice to be in substantially the following form:

Section 5. That the proposed Amendment No. 2 to the Playland Park Urban Renewal Plan for the proposed Urban Renewal Area described therein is hereby officially declared to be the proposed Amendment No. 2 to the Playland Park Urban Renewal Plan referred to in the notices for purposes of such consultation and hearing and that a copy of the Amendment shall be placed on file in the office of the City Clerk.

Section 6. That the proposed Amendment No. 2 to the Playland Park Urban Renewal Plan be submitted to the Planning and Zoning Commission for review and recommendation as to its conformity with the General Plan for the development of the City as a whole, with such recommendation to be submitted in writing to this Council within thirty (30) days of the date hereof.

PASSED AND APPROVED this 22nd day of June, 2009.

Thomas P. Hanafan, Mayor

ATTEST:

Marcia L. Worden, Acting City Clerk

Council Communication

Department: Community Development Case/Project No. _____	Resolution No. <u>09-178</u>	City Council: 6-22-09
Subject/Title Intent to Dispose of Property & Setting the Date of a Public Hearing Located in the 1400 Block of South 7 th Street		
Location 1409 and 1421 South 7 th Street along with adjacent City owned property. Lots 10-13, Block 58, Riddles Subdivision.		
Background/Discussion <u>Background</u> The City of Council Bluffs has been working extensively on redeveloping the Katelman area over the past several years. Approximately 100 new homes have been constructed in the area. Recently, the City purchased two lots at 1409 and 1421 South 7 th Street in order to demolish the current blighted structures with the intent to have the site redeveloped in conjunction with the adjacent City owned property. Development will consist of single family housing or two family housing units. <u>Discussion</u> Staff has prepared a Request for Proposal in an effort to competitively dispose of the property. Request for Proposals will be due July 24, 2009 by 5:00 p.m. to the Community Development Department and a public hearing needs set for the August 10, 2009, to approve the sale of the lots. Because the property was purchased and redeveloped using Economic Development Initiative funds, the proceeds from the lots sales is considered program income and will be reused on eligible EDI activities in the area. The RFP set the minimum price of the lots at \$20,000 each and explained that the proposals will be evaluated by the construction schedule, the developer's experience and capacity, the affordability of units and quality of construction materials and the design and aesthetics of the project. The area is located within the boundaries of the Council Bluffs Enterprise Zone, giving additional incentives to the developers, including a 10% investment tax credit for the construction of four or more units and a 100% rebate on the project's sales and utility taxes.		
Recommendation The Community Development Department recommends that City Council set public hearing for the disposition of 4 lots in connection with the Katelman Redevelopment Project for August 10, 2009.		
Attachments Map		

Approved by: Donald D. Gross, Director, Community Development Department

RESOLUTION NO. 09-178

A RESOLUTION SETTING THE DATE OF THE PUBLIC HEARING ON THE INTENT TO DISPOSE OF FOUR SINGLE FAMILY RESIDENTIAL LOTS ON THE EAST SIDE OF THE 1400 BLOCK OF SOUTH 7TH STREET FOR AUGUST 10, 2009.

WHEREAS, The City of Council Bluffs would like to redevelop 4 single family residential lots on the east side of the 1400 block OF South 7th Street; and

WHEREAS, That a public hearing shall be held on the intent to accept specific redevelopment proposals before the City Council at its meeting which commences at 7:00 p.m. on August 10, 2009, in City Council Chambers, City Hall, Council Bluffs, Iowa; and

WHEREAS, That the City Clerk is authorized and directed to publish notice of this public hearing in the *Council Bluffs Daily Nonpareil*; and

NOW, THEREFORE, BE IT RESOLVED

BY THE CITY COUNCIL

OF THE

CITY OF COUNCIL BLUFFS, IOWA

That the date of the public hearing on the disposition of these 4 single family residential lots be set for August 10, 2009.

APPROVED
AND
ADOPTED

June 22, 2009

Thomas P. Hanafan

Mayor

Marcia L. Worden

Acting City Clerk

COUNCIL COMMUNICATION

Department: Public Works
Case/Project No.: _____
Applicant: Dan Woellhof, CBO

Ordinance No. _____
Resolution No. 09-183

First Reading June 22, 2009

SUBJECT/TITLE

Council consideration of a resolution setting a public hearing for 7:00 p.m. on July 13, 2009, for Assessing of Costs for Securing Certain Buildings within the City.

BACKGROUND/DISCUSSION

- The Building Division found certain vacant and unsecured buildings that were not being maintained by the owners. These buildings were not in compliance with Chapter 8.54 of the Municipal Code. The Building Division abated the nuisance according to code by contracting the buildings to be secured.
- The Contractor was paid from the Capital Project Fund.
- The procedure of assessment of the abated nuisance, is in accordance to the *Uniform Code for the Abatement of Dangerous Buildings* as adopted and amended. The procedure is that when the City Clerk receives an Account of Expense Report, the City Council is to set a date for public hearing assessing the costs. Also, all objections or protests must be filed with the City Clerk **PRIOR** to the public hearing.
- These properties were declared a nuisance that had certain building which were secured as follows:

Property Address	Addition	Blk	Lot	Parcel #	Charged	%10 Admin Fee	Total	Done
319 Benton St.	Johnson Add.	N2°47S1/2 48		7544 25 281 004	\$297.00	\$29.70	\$326.70	01-05-09
1618 7 th Avenue	Everetts Add.	25	12	7544 35 261 007	\$ 71.00	\$ 7.10	\$ 78.10	01-05-09
357 Scott	Mill & Addison Add.	1 & 2		7544 25 338 928	\$171.00	\$17.10	\$188.10	01-03-09

RECOMMENDATION

Approval of this resolution

Greg Reeder, Public Works Director

RESOLUTION
NO 09-183

**RESOLUTION REQUESTING THE CITY CLERK TO PUBLISH NOTICE
AND SET A DATE FOR PUBLIC HEARING ON THE ASSESSING OF COSTS
FOR SECURING CERTAIN BUILDINGS WITHIN THE
CITY OF COUNCIL BLUFFS, IOWA**

- WHEREAS: the Building Division of the Public Works Department of the City of Council Bluffs, Iowa, has contracted for the securing of certain buildings; and
- WHEREAS: the City now desires to assess the costs for this project back to the properties that had buildings that were secured; and
- WHEREAS: the Building Division requests that the City Clerk publish the Notice and set the date of Public Hearing for July 13, 2009, at 7:00 p.m. in the Council Bluffs Council Chambers of City Hall.
- WHEREAS: the city clerk received the Building Official's Account of Expense Report date June, 2009, regarding securing expense at 1618 7th Avenue, 319 Benton, 357 Scott St.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the City Clerk will publish the Notice and set the date of Public Hearing for July 13, 2009, at 7:00 p.m. in the Council Bluffs Council Chambers of City Hall for the assessment of the costs for certain projects back to the properties that had buildings that were secured.

ADOPTED
AND
APPROVED June 22, 2009

Thomas P. Hanafan, Mayor

ATTEST:

Marcia L. Worden, Acting City Clerk

COUNCIL COMMUNICATION

Department: Public Works Ordinance No. _____ First Reading June 22, 2009
Case/Project No.: FY08-36 Resolution No. _____
Applicant: Ron Neal, P. E., City Engineer

SUBJECT/TITLE

Council consideration of a resolution accepting the work of Negus & Sons, Inc. as complete and authorizing release of the retainage after 30 days if no claims are filed in connection with the Public Works Fleet Maintenance Facility Site Subgrade Preparation. Project #FY08-36.

BACKGROUND/DISCUSSION

- Negus & Sons, Inc. have fulfilled all of their obligations for the fleet maintenance facility at the old Co-op site on South 8th Street and 10th Avenue.
- Negus removed three feet of soil and then surcharged the site with five feet of fill soil to prevent settlement of the new Fleet Maintenance Facility. Negus removed the surcharge and completed the grading for the entire site.
- This work was part of project FY08-36 in the CIP. Funding included gaming and GO Bonds.
- | | |
|--------------------------|----------------|
| Original contract amount | \$322,074.50 |
| Change Orders | (\$ 28,899.73) |
| Final contract amount | \$293,174.77 |
| Less previous payments | \$278,516.03 |
| Retainage due contractor | \$ 14,658.74 |

RECOMMENDATION

Approval of this resolution.

Greg Reeder, Public Works Director

RESOLUTION
NO 09-190

**RESOLUTION ACCEPTING THE WORK OF
NEGUS & SONS, INC. IN CONNECTION WITH
THE PUBLIC WORKS FLEET MAINTENANCE FACILITY SITE SUBGRADE PREPARATION
AND AUTHORIZING THE FINANCE DIRECTOR TO ISSUE
A CITY CHECK IN THE AMOUNT OF \$14,658.74
FY08-36**

- WHEREAS, the City of Council Bluffs, Iowa, entered into an agreement with Negus & Sons, Inc., Omaha, NE for the Public Works Fleet Maintenance Facility Site Subgrade Preparation; and
- WHEREAS, said contractor has fully completed the construction of said improvements in accordance with the terms and conditions of said contract and plans and specifications filed with the City clerk; and
- WHEREAS, a request for final payment in the amount of \$14,658.74 to Negus & Sons, Inc. has submitted to the city council for approval and payment; and
- WHEREAS, final payment is due 30 days after acceptance of the work; and
- WHEREAS, the city council of the City of Council Bluffs has been advised and does believe that said \$14,658.74 constitutes a valid obligation of the City and should in its best interest be paid.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

Said improvements are hereby accepted as having been fully completed in accordance with plans and specifications.

AND BE IT FURTHER RESOLVED

That the finance director is hereby authorized and directed to issue a city check in the amount of \$14,658.75 payable to Negus & Sons, Inc. from budget code Z01600-675000 project #00288.

ADOPTED
AND
APPROVED June 22, 2009

Thomas P. Hanafan, Mayor

ATTEST:

Marcia L. Worden, Acting City Clerk

Prepared by: City of Council Bluffs Legal Department, 209 Pearl Street, Council Bluffs, Iowa 51503 (712) 328-4620
Return to: City Clerk, 209 Pearl Street, Council Bluffs, Iowa 51503 (712) 328-4616

RESOLUTION NO. 09-177

A RESOLUTION granting final plat approval for The Seven at Fox Run Landing – Replat Three, being a replat of Lots 6A through 10B, Lots 20A through 27B and Lots 28A through 37B of The Seven at Fox Fun Landing Subdivision.

WHEREAS, CB Real Estate Development is requesting approval of a replat for The Seven at Fox Run Landing; and

WHEREAS, The Seven, as platted by Resolution No. 06-41 on February 13, 2006, created six single family detached lots and 64 duplex lots (single family attached), two outlots for drainage and two other lots which were replatted separately later; and

WHEREAS, the purpose of the replat is to allow construction of either attached or detached houses on the 32 lots shown on Attachment “A” to address market demand for detached houses; and

WHEREAS, the proposed replat is generally consistent with the 1994 Comprehensive Plan and the purpose and intent of the Zoning and Subdivision Ordinances;

WHEREAS, the Planning Commission concurs with the Community Development Department, and recommends approval of the final plat for The Seven at Fox Run Landing - Replat Three, as shown on Attachment “A”, subject to the following conditions:

1. Prior to executing the final plat, all technical corrections required by the Community Development Department and/or Public Works Department shall be incorporated into the final plat document, including but not limited to the following:

- a. Renumber the lots to combine Lots 1 and 2 to 1A and 1B and also for Lots 7 and 8, 17 & 18 and 19 & 20. Interior side yard easements between the combined pairs shall be eliminated.
- b. Note that either one detached or an attached single family residence could be built on the combined pair of lots.

- c. Add a 10' wide utility easement for MidAmerican Energy along the front and street side yard property line of all lots.
 - d. All easements shall be noted on the plat document with beneficiaries identified.
2. Any changes to the sanitary sewer laterals and modifications to the storm sewer inlets, necessitated by the realignment of the lot lines shall be installed at developer's expense and accepted by the Council Bluffs Public Works Department prior to issuance of any Certificate of Occupancy for any structure on the lot. The developer shall provide the City with two sets of as-built construction drawings and a two-year maintenance bond, upon acceptance of all required improvements.
3. Any other changes due to lot line realignment related to streetlight locations and/or communications connections shall be completed with no charge to the City.
4. The applicant shall provide the Community Development Department with a copy to the covenants applicable to the subdivision and record them again with this replat for ease of reference.
5. MidAmerican Energy has underground electric facilities in the area. The developer must maintain clearances from those facilities and pay all costs associated with extending or relocating them. The developer shall discuss with MidAmerican any facilities which will need to be relocated and the cost accruing to the relocation.
6. Sidewalk shall be installed, at no expense to the City, along the street frontage of each lot prior to issuance of a certificate of occupancy for any structure on the lot.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

That the final plat for The Seven at Fox Run Landing - Replat Three, as shown on Attachment "A" is hereby approved, subject to the conditions set forth above; and

BE IT FURTHER RESOLVED

That the Mayor and City Clerk are hereby authorized and directed to endorse the final plat.

ADOPTED
AND June 22, 2009
APPROVED

THOMAS P. HANAFAN Mayor

Attest:

MARCIA L. WORDEN Acting City Clerk

Council Communication

Department: Community Development Case No. SUB-09-003 Applicant: CB Real Estate Development 1730 Madison Avenue Council Bluffs, IA 51503	Resolution No. <u>09-177</u>	City Council Meeting: June 22, 2008 Planning Commission: June 8, 2009
--	------------------------------	--

Subject/Title

Final plat approval for The Seven at Fox Run Landing – Replat Three, being a replat of Lots 6A through 10B, Lots 20A through 27B and Lots 28A through 37B of The Seven at Fox Run Landing Subdivision. Location: Along Hardings Landing and Middle Ferry Roads.

Background/Discussion

CB Real Estate Development is requesting approval of a replat for The Seven at Fox Run Landing. The Seven as platted by Resolution No. 06-41 on February 13, 2006 created six single family detached lots and 64 duplex lots (single family attached), two outlots for drainage and two other lots, which were replatted separately later. Only attached single family houses can be constructed on the 32 paired lots. Replat One of The Seven extended Lots 1A through 7B by 10' into adjacent Outlot 1 in order to construct the attached structures and meet the 35% maximum lot coverage requirement. Those lots are not a part of this replat and will remain as single family attached. An attached single family structure has been built on Lot 28A/B and is not included in the replat.

The purpose of the replat is to allow construction of either attached or detached houses on the 32 lots shown on Attachment 'A' to address market demand for detached houses. Note 6 on the plat states that 'attached single family residences are allowed on all lots'. As an example, half of an attached structure could be built on Lot 32 and the other half on Lot 31 or a detached house could be built on each lot. Proposed Lots 1 & 2, 7 & 8, 17 & 18 and 19 & 20 are intended for an attached structure on each paired lot, but they also want to be able to build one detached house on the combined lots. Proposed Lots 1, 2, 7 and 17 through 20 cannot be platted as individual lots since they do not meet the minimum width of 50'. Proposed Lot 8 has a 15' wide storm sewer easement along the south property line, carried over from the original platting. Proposed Lots 1 and 2 have the same dimensions as existing Lots 6A/6B.

The proposed replat is generally consistent with the 1994 Comprehensive Plan and the purpose and intent of the Zoning and Subdivision Ordinances. The existing R-2/Two Family Residential zoning is appropriate for the intended use. However, it should be noted that a two family dwelling could be built on each lot, rather than the proposed attached or detached single family structures. There is some concern about the mix of attached single family and detached houses along Hardings Landing Road. Proposed Lots 25 through 32 along Middle Ferry Road will face the single family detached lots platted in The Seven Replat Two.

Sanitary sewer with a lateral for each proposed residential structure was installed in the right-of-way when platted. The locations on Attachment 'A' as depicted by E & A Consulting show a lateral to each lot and in some cases two, based on the original platting for attached single family houses. Public Works has reviewed the locations of the storm inlets. They do not appear to be effected by the realignment of the lot lines.

Water, streetlights, communication, electric and gas services have been extended to serve the subdivision. Service extensions will be completed with construction on each lot. The specifics of MidAmerican Energy's request are listed in the recommendation section. Fire hydrants were installed with the water line contract. No negative comments were received from the utilities or the Water Works.

Recommendation

The Community Development Department recommends approval of the final plat for The Seven at Fox Run Landing Replat Three, as shown on Attachment 'A', subject to the following conditions:

1. Prior to executing the final plat, all technical corrections required by the Community Development Department and/or Public Works Department shall be incorporated into the final plat document, including but not limited to the following:
 - a. Renumber the lots to combine Lots 1 & 2 to 1A and 1B and also for Lots 7 and 8, 17 & 18 and 19 & 20. Interior side yard easements between the combined pairs shall be eliminated.
 - b. Note that either one detached or an attached single family residence could be built on the combined pair of lots.
 - c. Add a 10' wide utility easement for MidAmerican Energy along the front and street side yard property line of all lots.
 - d. All easements shall be noted on the plat document with beneficiaries identified.
2. Any changes to the sanitary sewer laterals and modifications to the storm sewer inlets, necessitated by the realignment of the lot lines shall be installed at developer's expense and accepted by the Council Bluffs Public Works Department prior to issuance of any Certificate of Occupancy for any structure on the lot. The developer shall provide the City with two sets of as-built construction drawings and a two-year maintenance bond, upon acceptance of all required improvements.
3. Any other changes due to lot line realignment related to streetlight locations and/or communications connections shall be completed with no charge to the City.
4. The applicant shall provide the Community Development Department with a copy to the covenants applicable to the subdivision and record them again with this replat for ease of reference.
5. MidAmerican Energy has underground electric facilities in the area. The developer must maintain clearances from those facilities and pay all costs associated with extending or relocating them. The developer shall discuss with MidAmerican any facilities, which will need to be relocated, and the cost accruing to the relocation.
6. Sidewalk shall be installed, at no expense to the City, along the street frontage of each lot prior to issuance of a certificate of occupancy for any structure on the lot.

Public Hearing

Deb Petersen, 215 South Main Street, representing applicant and Glen Thiessen, 1032 Woodbury Avenue appeared before the Planning Commission in favor of the request. No one appeared in opposition.

Planning Commission Recommendation

The Planning Commission recommends approval of the final plat for The Seven at Fox Run Landing Replat Three, as shown on Attachment 'A', subject to the following conditions listed by the Community Development Department.

VOTE: AYE 7 NAY 0 ABSTAIN 0 ABSENT 4 Motion: Carried

Final Plat - Attachment 'A'

Engineer: E & A Consulting Group, Inc., Attn: Jeff Elliott, 330 No 117th St., Omaha, NE 68154

Representative: Deb Petersen, 215 South Main St., Council Bluffs, IA 51503

Submitted by: Gayle M. Malmquist, Development Services Coordinator

REPLAT THE

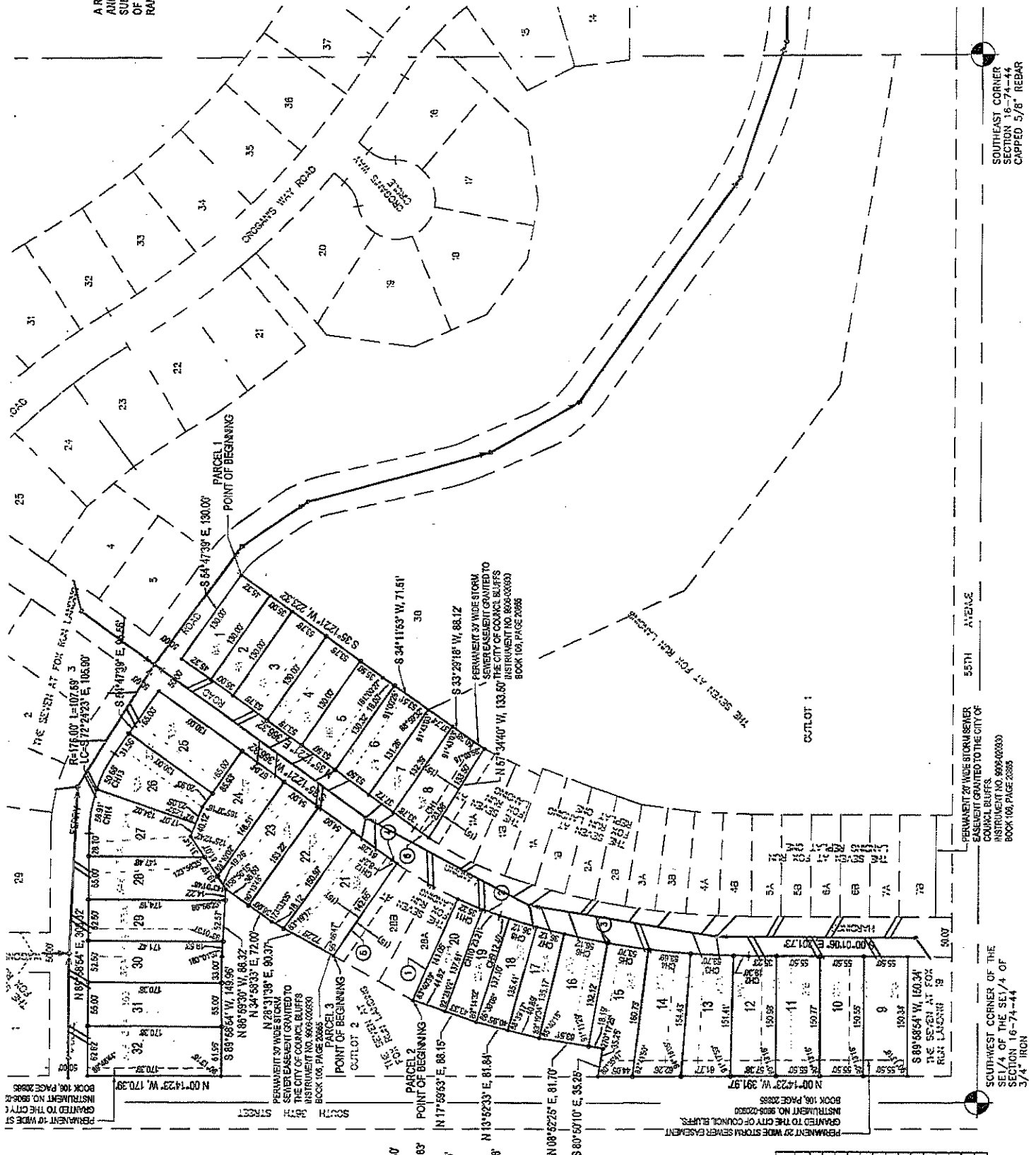
LOTS 1 THRU 32 INCLUSIVE
A REPLATING OF LOTS 6A THRU 10B INCLUSIVE, 1
AND LOTS 29A THRU 37B INCLUSIVE, THE SEVEN 1/4
SUBDIVISION LOCATED IN THE SW 1/4 OF SECTION
OF THE SE 1/4 OF SAID SECTION 16, ALL LOCATED IN
RANGE 44 WEST OF THE 5TH P.M., POTAWATOMI

NOTES

1. ALL ANGLES ARE 90° UNLESS OTHERWISE NOTED
2. ALL LOTS LINES ARE RADIAL TO CURVED STREETS UNLESS OTHERWISE NOTED
3. DIRECT VEHICULAR ACCESS WILL NOT BE ALLOWED TO ANY LOT FROM ANY LOT SITUATING SAID STREETS.
4. A PERPETUAL EASEMENT 5 FEET IN WIDTH IN RESERVATION OF THE CITY OF COUNCIL BLUFFS FOR UTILITY INSTALLATION AND MAINTENANCE ARE FOR UTILITY INSTALLATION AND MAINTENANCE AREAS AND ANY INCLUDED DRAINAGE SYSTEMS AND MANIFOLDS BY THE OWNERS OF THE LOTS ADJACENT TO SAID EASEMENT.
5. ALL DIMENSIONS AND ANGLES SHOWN WITH PARALLEL EASEMENTS.
6. ATTACHED SINGLE FAMILY RESIDENCES ARE ALLOWED. DETACHED SINGLE FAMILY RESIDENCES ARE ALLOWED THRU 18 INCLUSIVE AND LOTS 21 THRU 32 INCLUSIVE, ANY RESIDENCES ARE ALLOWED ON THE CONSOLIDATION OF AND LOTS 19 & 20.

LEGEND

- PINS FOUND, 5/8" X 30" REBAR W/ (UNLESS OTHERWISE NOTED)
- PINS SET, 5/8" X 30" REBAR W/ A
- ◆ SECTION CORNER FOUND
- CURVE CHORD DATA (SEE TABLE)



SOUTH-EAST CORNER
SECTION 16-74-44
CAPPED 5/8" REBAR

PERMANENT 20' WIDE STORM SEWER
EASEMENT GRANTED TO THE CITY OF
COUNCIL BLUFFS
INSTRUMENT NO. 9995-00030
BOOK 108, PAGE 2085

SOUTH-EAST CORNER OF THE
SE 1/4 OF THE SE 1/4 OF
SECTION 16-74-44
3/4" IRON

TABLE

STATION	CHORD	ANGLE
1	141.05'	
2	58.53'	
3	37.17'	
4	31.83'	
5	26.24'	
6	23.31'	
7	21.84'	
8	20.65'	
9	19.68'	
10	18.90'	
11	18.20'	
12	17.58'	
13	17.03'	
14	16.54'	
15	16.10'	
16	15.71'	
17	15.36'	
18	15.05'	
19	14.77'	
20	14.51'	
21	14.27'	
22	14.04'	
23	13.82'	
24	13.61'	
25	13.41'	
26	13.21'	
27	13.02'	
28	12.83'	
29	12.64'	
30	12.45'	
31	12.26'	
32	12.07'	
33	11.88'	
34	11.69'	
35	11.50'	
36	11.31'	
37	11.12'	

STATION	CHORD	ANGLE
1	141.05'	
2	58.53'	
3	37.17'	
4	31.83'	
5	26.24'	
6	23.31'	
7	21.84'	
8	20.65'	
9	19.68'	
10	18.90'	
11	18.20'	
12	17.58'	
13	17.03'	
14	16.54'	
15	16.10'	
16	15.71'	
17	15.36'	
18	15.05'	
19	14.77'	
20	14.51'	
21	14.27'	
22	14.04'	
23	13.82'	
24	13.61'	
25	13.41'	
26	13.21'	
27	13.02'	
28	12.83'	
29	12.64'	
30	12.45'	
31	12.26'	
32	12.07'	
33	11.88'	
34	11.69'	
35	11.50'	
36	11.31'	
37	11.12'	

COUNCIL COMMUNICATION

Department: Public Works Ordinance No. _____ First Reading June 22, 2009
Case/Project No.: FY10-05C Resolution No. _____
Applicant: Ron Neal, P. E., City Engineer

SUBJECT/TITLE

After the Public Hearing council consideration of a resolution approving the plans and specifications and authorizing the City Clerk to advertise for bids setting July 16, 2009, at 10:00 a.m. as the date and time for the bid opening for So. 11th Street Storm Sewer / US 275 to 32nd Avenue. Project #FY10-05C.

BACKGROUND/DISCUSSION

- The area bounded on the north by I-80 on the south by US275 Hwy and on the east by the So. Expressway and on the west by Indian Creek has no storm sewer pipe.
- This area is served by open ditches and culverts and is a developed light industrial area with several automobile dealerships.
- The area experiences flooding and standing water in the drainage ditches from moderate to heavy rainfall events.
- This project is the first in a three phase plan to serve this area with storm sewer, which will enclose the ditches and improve drainage.
- This project will start along So. 11th Street and go from Hwy 275 to 32nd Avenue. Future phases will extend the storm sewer, east, along 34th Avenue and 32nd Avenue.
- This project will be constructed in the summer/fall of 2009.
- This project is FY10-05C in the CIP and is funded with \$2.5 M in sales tax revenues.
- The project schedule is:

Set Public Hearing	June 8, 2009
Hold Public Hearing	June 22, 2009
Bid Letting	July 16, 2009
Award	July 27, 2009

RECOMMENDATION

Approval of this resolution.

Greg Reeder, Public Works Director

FY10-05C
S. 11TH STORM SEWER

Project Location

IWC

HWY 92

WRIGHT RD

COITLAND RD

COMANCHE

SIoux ST

APACHE ST

WAWAJO ST

MOHAWK ST

PLUM ST

RICHLAND DR

35TH AV

34TH AV

33RD AV

32ND AV

31ST AV

30TH AV

29TH AV

28TH AV

27TH AV

26TH AV

25TH AV

24TH AV

23RD AV

22ND AV

21ST AV

20TH AV

19TH AV

18TH AV

17TH AV

16TH AV

15TH AV

14TH AV

13TH AV

12TH AV

11TH AV

10TH AV

9TH AV

8TH AV

7TH AV

6TH AV

5TH AV

4TH AV

3RD AV

2ND AV

1ST AV

MARKET PLACE DR

S 21ST ST

S 20TH ST

S 19TH ST

S 18TH ST

S 17TH ST

S 16TH ST

S 15TH ST

S 14TH ST

S 13TH ST

S 12TH ST

S 11TH ST

S 10TH ST

S 9TH ST

S 8TH ST

S 7TH ST

S 6TH ST

S 5TH ST

S 4TH ST

S 3TH ST

S 2TH ST

S 1ST ST

ATLANTIC WYOMONA LN

WINONA LN

PUEBLO RD

LEW ROSS RD

35TH ST

34TH ST

33TH ST

32TH ST

31TH ST

30TH ST

29TH ST

28TH ST

27TH ST

26TH ST

25TH ST

24TH ST

23TH ST

22TH ST

21TH ST

20TH ST

19TH ST

18TH ST

17TH ST

16TH ST

15TH ST

14TH ST

13TH ST

12TH ST

11TH ST

10TH ST

9TH ST

8TH ST

7TH ST

6TH ST

5TH ST

4TH ST

3TH ST

2TH ST

1ST ST

MARKET PLACE DR

S 21ST ST

S 20TH ST

S 19TH ST

S 18TH ST

S 17TH ST

S 16TH ST

S 15TH ST

S 14TH ST

S 13TH ST

S 12TH ST

S 11TH ST

S 10TH ST

S 9TH ST

S 8TH ST

S 7TH ST

S 6TH ST

S 5TH ST

S 4TH ST

S 3TH ST

S 2TH ST

S 1ST ST

ATLANTIC WYOMONA LN

WINONA LN

PUEBLO RD

LEW ROSS RD

35TH ST

34TH ST

33TH ST

32TH ST

31TH ST

30TH ST

29TH ST

28TH ST

27TH ST

26TH ST

25TH ST

24TH ST

23TH ST

22TH ST

21TH ST

20TH ST

19TH ST

18TH ST

17TH ST

16TH ST

15TH ST

14TH ST

13TH ST

12TH ST

11TH ST

10TH ST

9TH ST

8TH ST

7TH ST

6TH ST

5TH ST

4TH ST

3TH ST

2TH ST

1ST ST

MARKET PLACE DR

S 21ST ST

S 20TH ST

S 19TH ST

S 18TH ST

S 17TH ST

S 16TH ST

S 15TH ST

S 14TH ST

S 13TH ST

S 12TH ST

S 11TH ST

S 10TH ST

S 9TH ST

S 8TH ST

S 7TH ST

S 6TH ST

S 5TH ST

S 4TH ST

S 3TH ST

S 2TH ST

S 1ST ST

ATLANTIC WYOMONA LN

WINONA LN

PUEBLO RD

LEW ROSS RD

35TH ST

34TH ST

33TH ST

32TH ST

31TH ST

30TH ST

29TH ST

28TH ST

27TH ST

26TH ST

25TH ST

24TH ST

23TH ST

22TH ST

21TH ST

20TH ST

19TH ST

18TH ST

17TH ST

16TH ST

15TH ST

14TH ST

13TH ST

12TH ST

11TH ST

10TH ST

9TH ST

8TH ST

7TH ST

6TH ST

5TH ST

4TH ST

3TH ST

2TH ST

1ST ST

MARKET PLACE DR

S 21ST ST

S 20TH ST

S 19TH ST

S 18TH ST

S 17TH ST

S 16TH ST

S 15TH ST

S 14TH ST

S 13TH ST

S 12TH ST

S 11TH ST

S 10TH ST

S 9TH ST

S 8TH ST

S 7TH ST

S 6TH ST

S 5TH ST

S 4TH ST

S 3TH ST

S 2TH ST

S 1ST ST

ATLANTIC WYOMONA LN

WINONA LN

PUEBLO RD

LEW ROSS RD

35TH ST

34TH ST

33TH ST

32TH ST

31TH ST

30TH ST

29TH ST

28TH ST

27TH ST

26TH ST

25TH ST

24TH ST

23TH ST

22TH ST

21TH ST

20TH ST

19TH ST

18TH ST

17TH ST

16TH ST

15TH ST

14TH ST

13TH ST

12TH ST

11TH ST

10TH ST

9TH ST

8TH ST

7TH ST

6TH ST

5TH ST

4TH ST

3TH ST

2TH ST

1ST ST

MARKET PLACE DR

S 21ST ST

S 20TH ST

S 19TH ST

S 18TH ST

S 17TH ST

S 16TH ST

S 15TH ST

S 14TH ST

S 13TH ST

S 12TH ST

S 11TH ST

S 10TH ST

S 9TH ST

S 8TH ST

S 7TH ST

S 6TH ST

S 5TH ST

S 4TH ST

S 3TH ST

S 2TH ST

S 1ST ST

ATLANTIC WYOMONA LN

WINONA LN

PUEBLO RD

LEW ROSS RD

35TH ST

34TH ST

33TH ST

32TH ST

31TH ST

30TH ST

29TH ST

RESOLUTION
NO 09-184

**RESOLUTION APPROVING THE PLANS, SPECIFICATION,
FORM OF CONTRACT AND COST ESTIMATE FOR THE
SOUTH 11TH STREET STORM SEWER
US 275 TO 32ND AVENUE
FY10-05C**

WHEREAS, the plans, specification, form of contract and cost estimate
 are on file in the office of the City Clerk of the City of
 Council Bluffs, Iowa for the So. 11th Street Storm
 Sewer / US 275 to 32nd Avenue; and

WHEREAS, A Notice of Public Hearing was published as required
 by law, and a public hearing was held on June 22, 2009.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the plans, specifications, form of contract and cost estimate are hereby approved for the
So. 11th Street Storm Sewer / US 275 to 32nd Avenue and the City Clerk is hereby authorized to
advertise for bids for said project.

ADOPTED
AND
APPROVED June 22, 2009

Thomas P. Hanafan, Mayor

ATTEST:

Marcia L. Worden, Acting City Clerk

COUNCIL COMMUNICATION

Department: Public Works

Ordinance No. _____

First Reading June 22, 2009

Case/Project No.: FY10-16

Resolution No. 09-185

Applicant: Ron Neal, P. E., City Engineer

SUBJECT/TITLE

After the Public Hearing council consideration of a resolution approving the plans and specifications and authorizing the Iowa Department of Transportation to advertise and receive bids on July 21, 2009, for So. 35th Street Restoration. Project #FY10-16.

BACKGROUND/DISCUSSION

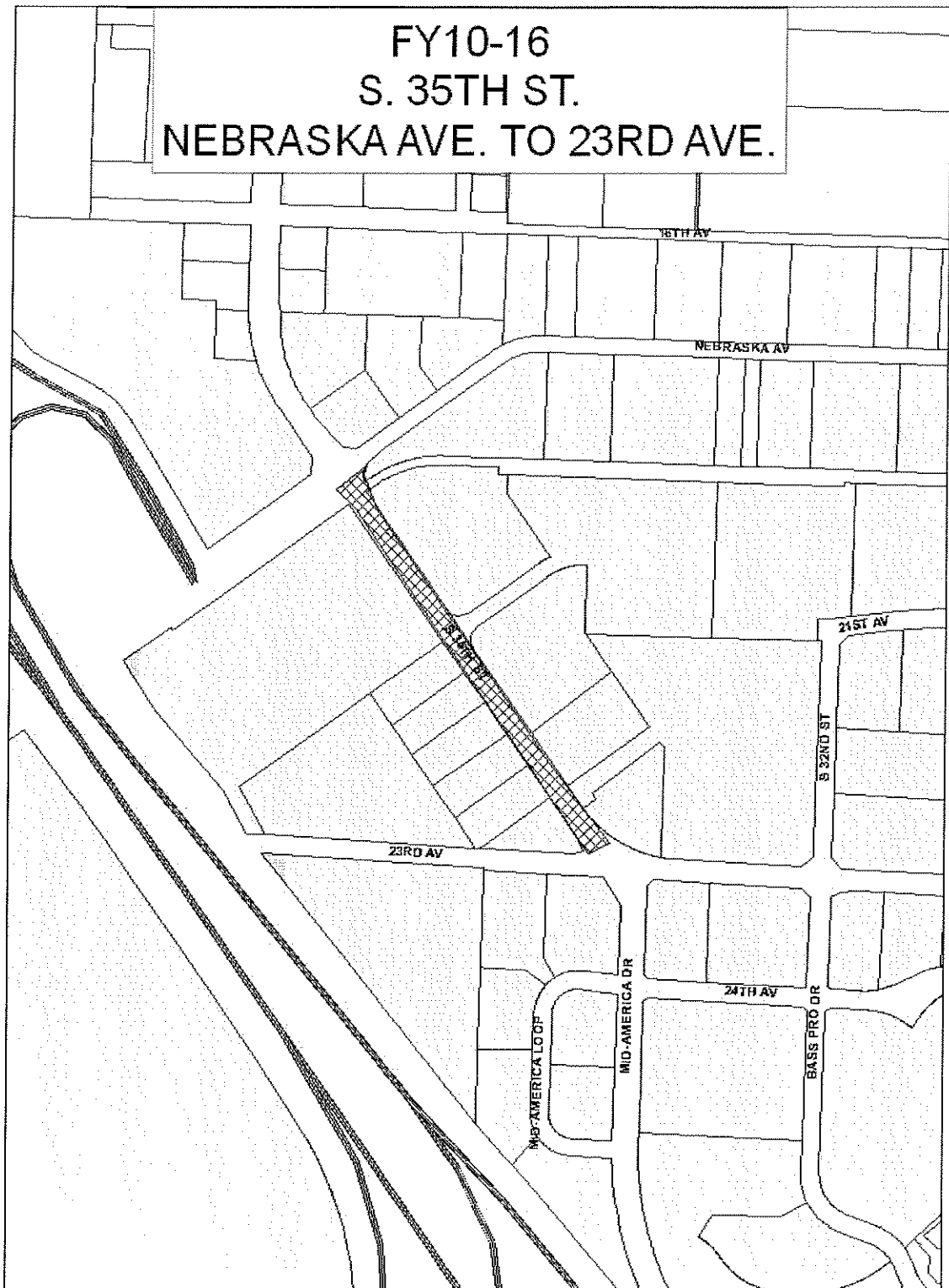
- So. 35th Street between Nebraska Avenue and 23th Avenue was constructed in 1987.
- Present day average annual daily traffic (AADT) volume is approximately 16,000 vehicles.
- The roadway is four lane divided, Portland cement concrete.
- This section of So. 35th Street is on the direct connection between I-29 and the MAC/Bass Pro/Casino complex area which is experiencing continued development with other service orientated businesses.
- The roadway is showing signs of isolated distress and is in need of some panel replacement, crack routing and sealing. This project will replace panels, seal the cracks, diamond grind for smoothness, and install dowel bars between panels. These improvements will provide an additional 15 to 20 years of service life to the pavement.
- The project will be phased to maintain one lane of traffic in each direction during construction.
- Estimated construction cost of this project is \$478,000. The project would be funded with the American Recovery and Reinvestment Act of 2009 funds.
- The project letting will be through IDOT with the city as the contract authority.
- This project will be added as project FY10-16 in the CIP and will be constructed in the fall of 2009.
- The schedule is as follows:

Set Public Hearing	June 8, 2009
Hold Public Hearing	June 22, 2009
IDOT Letting	July 21, 2009
Award	July 27, 2009

RECOMMENDATION

Approval of this resolution.

FY10-16
S. 35TH ST.
NEBRASKA AVE. TO 23RD AVE.



RESOLUTION
NO 09-185

**RESOLUTION APPROVING THE PLANS, SPECIFICATION,
FORM OF CONTRACT AND COST ESTIMATE FOR THE
SO. 35TH STREET RESTORATION
FY10-16**

WHEREAS, the plans, specification, form of contract and cost estimate
 are on file in the office of the Iowa Department of Transportation
 for the So. 35th Street Restoration; and

WHEREAS, A Notice of Public Hearing was published as required
 by law, and a public hearing was held on June 22, 2009.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the plans, specifications, form of contract and cost estimate are hereby approved for the
So. 35th Street Restoration and the Iowa Department of Transportation is hereby authorized to
advertise for bids for said project.

ADOPTED
AND
APPROVED June 22, 2009

Thomas P. Hanafan, Mayor

ATTEST: _____
Marcia L. Worden, Acting City Clerk

COUNCIL COMMUNICATION

Department: Public Works

Ordinance No. _____

First Reading June 22, 2009

Case/Project No.: FY10-17

Resolution No. 09-186

Applicant: Ron Neal, P. E., City Engineer

SUBJECT/TITLE

After the Public Hearing council consideration of a resolution approving the plans and specifications and authorizing the City Clerk to advertise for bids setting July 14, 2009, at 10:00 a.m. as the date and time for the bid opening for Downtown Street Pole Refurbishing. Project #FY10-17.

BACKGROUND/DISCUSSION

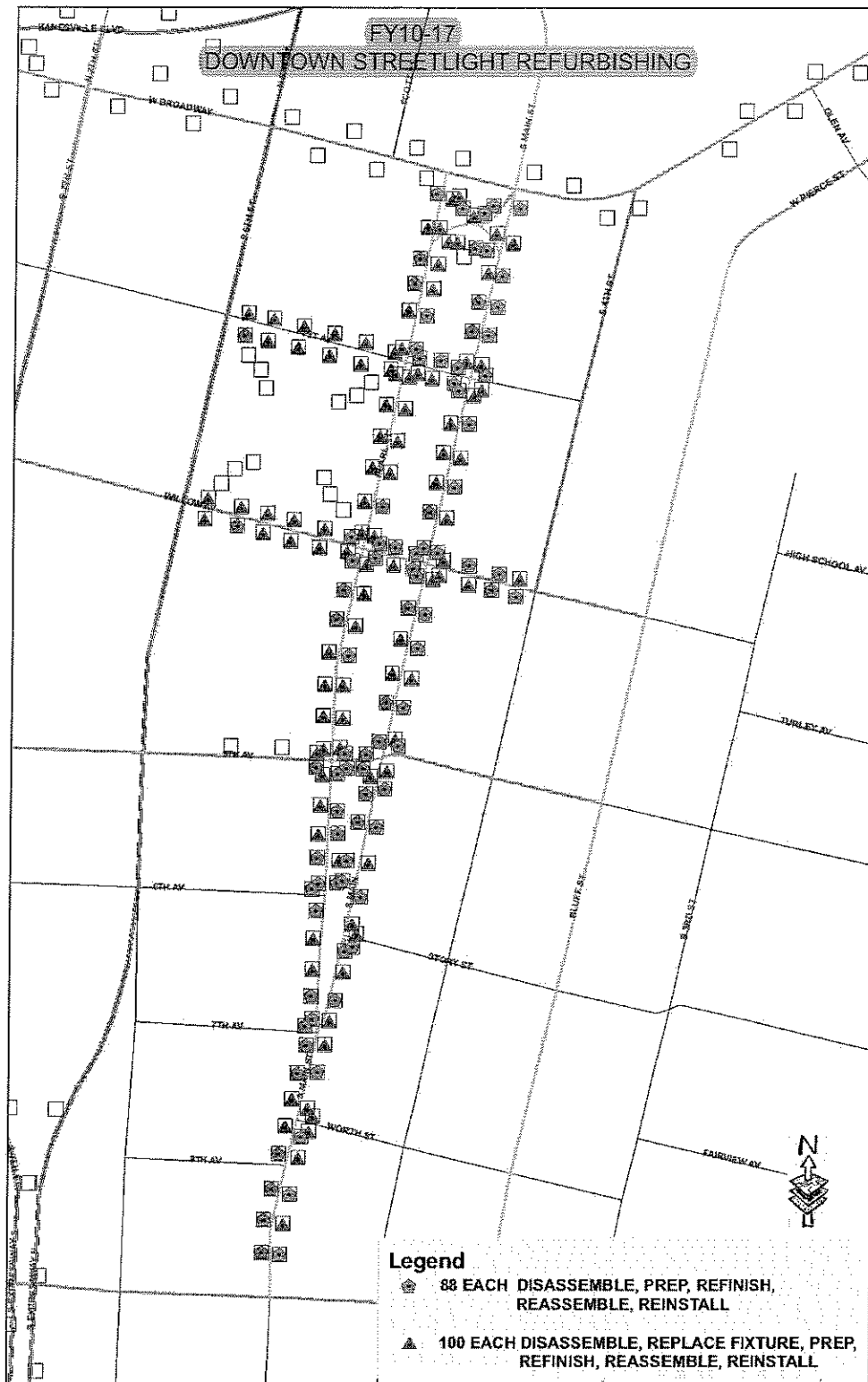
- As part of the original streetscape projects, the City painted all the downtown streetlight poles, traffic sign poles and parking meter poles a medium blue color. The blue poles are on Main Street from Broadway to 9th Ave, on Pearl Street from Broadway to 7th Ave., on 1ST Ave between 6th Street and Pearl Street and on Willow Ave. between 6th Street and 4th Street.
- The blue paint on the streetlights and poles has faded, developed rust spots and been damaged by hail.
- Due to the hail damage the City has received insurance funds to refurbish the streetlight fixtures and poles. The amount of the insurance settlement is \$422,000 maximum and can only be used for hail damaged streetlights.
- The recently completed Bayliss Park has streetlights that are finished in a dark bronze color which is more durable and less prone to fading. This project will refinish all blue poles, benches and trash receptacles in the dark bronze color to match the Bayliss Park fixtures.
- The city has made application to the Iowa West Foundation for \$125,000 in grant funds.
- This project is FY10-17 in the CIP with an estimated cost of \$540,204.00 and will be funded by a combination of insurance funds, sales tax funds and grant monies.
- The project schedule is as follows:

Set the Public Hearing	June 8, 2009
Hold the Public Hearing	June 22, 2009
Bid Letting	July 14, 2009
Award	July 27, 2009
Completion	October, 2009

RECOMMENDATION

Approval of this resolution.

Greg Reeder, Public Works Director



RESOLUTION
NO 09-186

**RESOLUTION APPROVING THE PLANS, SPECIFICATION,
FORM OF CONTRACT AND COST ESTIMATE FOR THE
DOWNTOWN STREET POLE REFURBISHING
FY10-17**

WHEREAS, the plans, specification, form of contract and cost estimate
 are on file in the office of the City Clerk of the City of
 Council Bluffs, Iowa for the Downtown Street Pole
 Refurbishing; and

WHEREAS, A Notice of Public Hearing was published as required
 by law, and a public hearing was held on June 22, 2009.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the plans, specifications, form of contract and cost estimate are hereby approved for the
Downtown Street Pole Refurbishing and the City Clerk is hereby authorized to advertise for bids
for said project.

ADOPTED
AND
APPROVED June 22, 2009

Thomas P. Hanafan, Mayor

ATTEST:

Marcia L. Worden, Acting City Clerk

COUNCIL COMMUNICATION

Department: Public Works Ordinance No. _____ First Reading June 22, 2009
Case/Project No.: FY10-15 Resolution No. _____
Applicant: Ron Neal, P. E., City Engineer

SUBJECT/TITLE

After the Public Hearing council consideration of a resolution approving the plans and specifications and authorizing the IDOT to advertise and receive bids on July 21, 2009, for College Road (East) Reconstruction US 6 to Valley View Drive. Project #FY10-15.

BACKGROUND/DISCUSSION

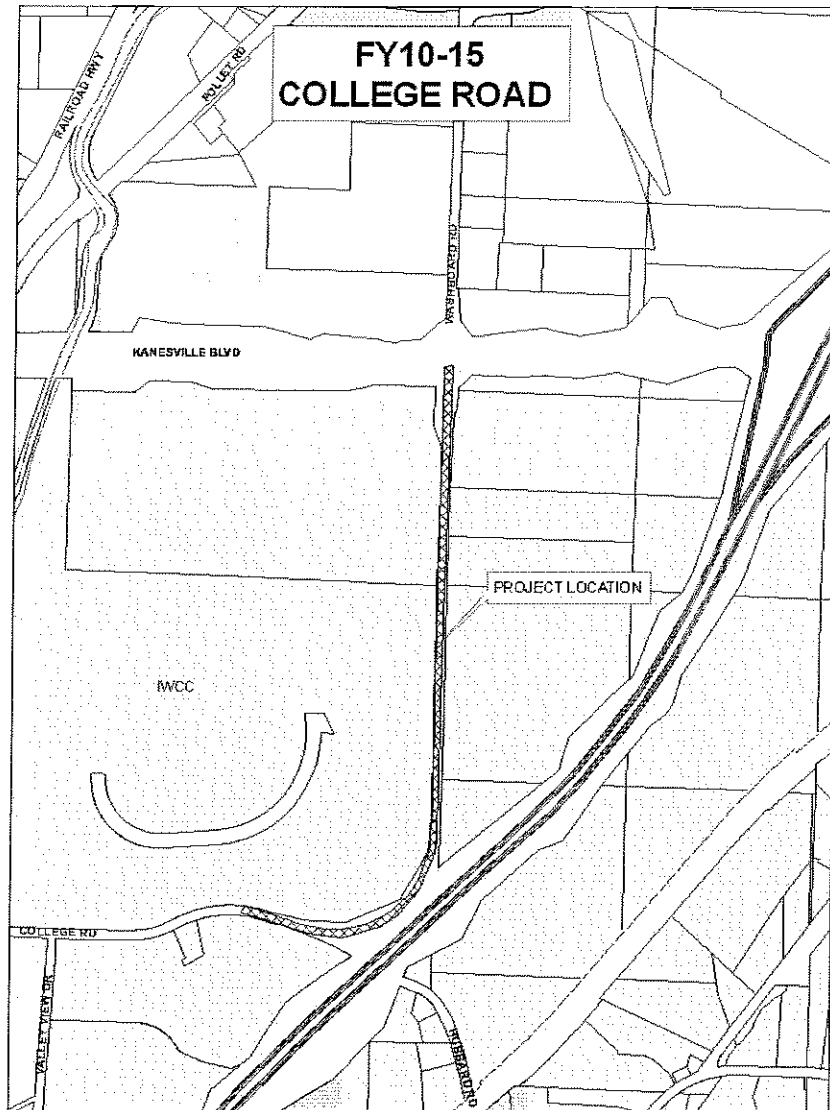
- In 1997, 900 feet of College Road, from Hwy 6 south, was constructed to improve the main entrance into Iowa Western Community College.
- In 2004, the City reconstructed approximately 1,300 LF of College Road east of the Valley View Drive intersection. A gap of sub-standard roadway exists between these two projects.
- Since 2004, there has been considerable development activities within the college campus and along Valley View Road as well as regrading of the land east of College Road.
- Reconstruction of College Road from the Valley View Extension to US 6 is recommended to accommodate existing as well as potential future development.
- This project would be funded with the American Recovery and Reinvestment Act of 2009 funds in the amount of \$2.3 M and \$600,000 in Sales Tax.
- The project letting will be through IDOT with the City as the contract authority.
- This project is added as project FY10-15 in the CIP and would be constructed in the fall of 2009 and spring of 2010.
- The project schedule is:

Set Public Hearing	June 8, 2009
Hold Public Hearing	June 22, 2009
IDOT Bid Letting	July 21, 2009
Award	July 27, 2009

RECOMMENDATION

Approval of this resolution.

Greg Reeder, Public Works Director



RESOLUTION
NO 09-187

**RESOLUTION APPROVING THE PLANS, SPECIFICATION,
FORM OF CONTRACT AND COST ESTIMATE FOR THE
COLLEGE ROAD (EAST) RECONSTRUCTION
US 6 TO VALLEY VIEW DRIVE
FY10-15**

WHEREAS, the plans, specification, form of contract and cost estimate are on file in the office of the Iowa Department of Transportation, Ames, Iowa for the College Road (East) Reconstruction US 6 to Valley View Drive; and

WHEREAS, A Notice of Public Hearing was published as required by law, and a public hearing was held on June 22, 2009.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the plans, specifications, form of contract and cost estimate are hereby approved for the College Road (East) Reconstruction US 6 to Valley View Drive and the IDOT is hereby authorized to advertise for bids for said project.

ADOPTED
AND
APPROVED June 22, 2009

Thomas P. Hanafan, Mayor

ATTEST:

Marcia L. Worden, Acting City Clerk

RESOLUTION NO. 09-172

A RESOLUTION imposing penalties against BO T2 INC, d/b/a T'z, 128 W. Broadway, for violation of Iowa Code Chapter 123 and/or Council Bluffs Municipal Code Section 3.08.190 for selling, dispensing, giving or otherwise supplying alcohol to a minor under the age of twenty-one.

WHEREAS, Iowa Code Section 123.9 allows local authorities to suspend or revoke a liquor control license or beer or wine permit for any licensee/permittee and/or to impose a civil penalty (fine) against any licensee/permittee who violates any of the provisions of Chapter 123 of the Iowa Code or Council Bluffs Municipal Code provisions concerning alcoholic beverages; and

WHEREAS, Section 123.49(2)(h) provides that "no person shall sell, dispense, give or otherwise supply an alcoholic liquor, wine or beer to a minor under the age of twenty-one (21) years", and Council Bluffs Municipal Code Section Council Bluffs Municipal Code Section 3.08.190 provides, in part: "No person or club holding a liquor license or beer permit nor his or her agents or employees shall do any of the following: Sell, give, or otherwise supply any alcoholic beverage or beer to any person knowing or having reasonable cause to believe him or her to be under legal age, or permit any person knowing or having reasonable cause to believe him or her to be under legal age, to consume any alcoholic beverage or beer."

WHEREAS, the above-named licensee/permittee () did (X) did not make a timely written request for a public hearing, and this matter will be determined () with (XX) without public hearing; and

WHEREAS, there being sufficient evidence to prove that on or about April 4, 2009, the above-named licensee/permittee, or an employee or agent of same, sold, dispensed, gave or supplied an alcoholic beverage, beer, or wine to a minor, or allowed a person under legal age to consume an alcoholic beverage, beer, or wine; and

WHEREAS, this is the first offense by the above-named licensee/permittee.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

That the above-named licensee/permittee is found to be in violation of Council Bluffs Municipal Code Section 3.08.190 for sale to a minor or allowing a minor to consume; and

BE IT FURTHER RESOLVED:

That this is the first offense by the above-named licensee/permittee, and the following penalty shall be imposed:

 X \$500.00 Fine to be paid no later than 5:00 p.m. on the 10th business day after the adoption of this resolution (Paid 6/1/09);

 Suspension - No sale of alcoholic beverages, beer, or wine for a period of day(s) month(s), beginning at 2:01 a.m. on the 10th business day after the adoption of this resolution;

 Revocation – No sale of alcoholic beverages, beer, or wine beginning at 2:01 a.m. on the 10th business day after the adoption of this resolution.

ADOPTED

AND

June 22, 2009

APPROVED

THOMAS P. HANAFAN

Mayor

Attest:

MARCIA L. WORDEN Acting City Clerk

Council Communication

Department:	Ordinance No.	First Reading
Case/Project No.	Resolution No. <u>09-172</u>	Second Reading
		Third Reading <u>June 22, 2009</u>
Subject/Title		
A Resolution imposing penalties against BO T2 INC, d/b/a T'z, 128 W. Broadway, for violation of Iowa Code Chapter 123 and/or Council Bluffs Municipal Code Section 3.08.190 for selling, dispensing, giving, or otherwise supplying alcohol to a minor under the age of twenty-one.		
Background/Discussion		
On April 4, 2009, an employee of T'z was cited for providing alcohol to a minor under the age of twenty-one. The City has imposed a \$500 civil penalty against T'z and payment was made on June 1, 2009.		
Recommendation		
That a \$500 civil penalty be imposed against the above-named licensee/permittee for selling, dispensing, giving, or otherwise supplying alcohol to a minor under the age of twenty-one.		

Don Bauermeister, Asst. City Attorney

Mayor Signature

Council Communication

Department: Legal Case/Project No. Applicant:	Ordinance No. Resolution No. <u>09-173</u>	City Council Action: <u>June 22, 2009</u>
Subject/Title		
A resolution authorizing the Mayor to grant a waiver of meter bagging fees to Real Property Management, LLC, to be used only when needed on four meters in front of the Historic Creston House during renovation.		
Background/Discussion		
This resolution has been placed on the agenda at the request of the City Council.		
Recommendation		

Richard Wade
Department Head Signature

Mayor Signature

RESOLUTION NO. 09-173

A RESOLUTION AUTHORIZING THE MAYOR TO GRANT A WAIVER OF METER BAGGING FEES TO REAL PROPERTY MANAGEMENT, LLC, TO BE USED ONLY WHEN NEEDED ON FOUR METERS IN FRONT OF HISTORIC CRESTON HOUSE DURING ITS RENOVATION.

- WHEREAS, Creston House is a historic building located at 215 Main Street; and
- WHEREAS, the Creston House has benefited from City improvement programs; and
- WHEREAS, the Creston House is in the National Historic District and will qualify for Federal Tax Credits, State Tax Credits if available, and has qualified for an interest only loan from the Downtown Fund; and
- WHEREAS, there is a lack of additional land on which to work or set up to work, and parking meters make it difficult to arrange work around the cost of the meters; and
- WHEREAS, work will soon move to the front of the building where meters are located; and
- WHEREAS, aware of the need to use meters by other businesses and tenants, the meter bags will be used only when necessary, minimizing the bagging of the meters; and
- WHEREAS, adjacent neighbors and tenants are aware of the unique situation and willing to allow the meter bagging when needed.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the City Council authorizes the Mayor to grant a waiver of meter bagging fees described herein with regard to the rehabilitation of the Creston House; and

BE IT FURTHER RESOLVED

That if an abuse of the meter bags occurs, the Mayor has the right to revoke all privileges granted under this resolution.

ADOPTED
AND
APPROVED

Thomas P. Hanafan, Mayor

ATTEST:

Marcia L. Worden, Acting City Clerk

Council Communication

Department/Applicant: Community Development Department Case No. – N/A	Resolution No. <u>09 – 179</u>	City Council: June 22, 2009
Subject/Title Pottawattamie County Development Corporation (PCDC) request to adopt resolution regarding implementation of the Amended Bluffs Center I and South Main Urban Renewal Plans.		
Background <p>The City has adopted urban renewal areas for the downtown (Amended Bluffs Center I Urban Renewal Area) and south main (South Main Urban Renewal Area). These actions have included the adoption of urban renewal plans for each area based on blight findings. Further, the City has adopted the 2003 downtown plan that includes all of the Bluffs Center I and portions of the South Main Urban Renewal Areas. Together these plans identify a variety of redevelopment actions including the installation of public facilities and infrastructure, acquisition of property, demolition and rehabilitation of structures.</p> <p>During the past 10 years, the City and PCDC have partnered on numerous redevelopment projects aimed at implementing of objectives of the above referenced plans. Partial funding for past and future projects has been obtained from the Iowa West Foundation (IWF). This funding requires PCDC to demonstrate that its activities have a broader public purpose including the removal/redevelopment of blighting influences in urban renewal areas and lessening the burdens of government. To meet this requirement, PCDC has requested the City adopt a resolution regarding the implementation of the Bluffs Center I and South Main Urban Renewal Plans. Although adoption of the resolution does not commit the City to fund a specific project, it does express the City's intent to utilize PCDC on future redevelopment activities and to provide support for the continued implementation of the Downtown Revitalization Fund administered by PCDC.</p>		
Recommendation Adoption of the resolution.		
Attachments: Resolution Prepared By: Donald Gross, Community Development Department		

RESOLUTION NO. 09-179

A RESOLUTION REGARDING IMPLEMENTATION OF
THE AMENDED BLUFFS CENTER I URBAN RENEWAL PLAN AND
SOUTH MAIN URBAN RENEWAL PLAN

WHEREAS, the City Council previously designated the Bluffs Center I Urban Renewal Area and adopted the Bluffs Center I Urban Renewal Plan which has been from time to time amended; and

WHEREAS, the City Council previously designated the South Main Urban Renewal Area and adopted the South Main Urban Renewal Plan which has been from time to time amended; and

WHEREAS, portions of the Amended Bluffs Center I Urban Renewal Area and the South Main Urban Renewal Area are slum and blighted areas as defined by Chapter 403 of the Code of Iowa and such areas constitute an economic and social liability upon the City which decreases the tax base and tax revenues and which substantially impairs or arrests the sound growth of the City. The City Council has made a finding that the areas constituting the Amended Bluffs Center I Urban Renewal Area and the South Main Urban Renewal Area satisfy eligibility criteria for designation as urban renewal areas under Iowa law; and

WHEREAS, the Amended Bluffs Center I Urban Renewal Plan and the South Main Urban Renewal Plan contemplate the City acquiring property in the Amended Bluffs Center I Urban Renewal Area and the South Main Urban Renewal Area for purposes of demolishing buildings and redeveloping the sites or rehabilitation of buildings in the urban renewal area; and

WHEREAS, the City Council previously adopted the 2003 Downtown Council Bluffs Plan which further provides guidelines for future development in the Bluffs Center I Urban Renewal Area; and

WHEREAS, PCDC is a non-profit corporation organized for the purposes of in part removing and redeveloping slum and blighted properties in designated urban renewal areas and in otherwise assisting in lessening the burdens of government; and

WHEREAS, PCDC has considerable experience and expertise in the acquisition and redevelopment of properties and has previously assisted with substantial land acquisition/demolition projects in cooperation with the City which have become an impetus for further redevelopment in the City; and

WHEREAS, the City previously funded and administered a Storefront Grant Program for purposes of preservation of historic storefront grants in the Bluffs Center I Urban Renewal Area and South Main Urban Renewal Area; and

WHEREAS, PCDC, at the request of the City, has taken over responsibility for and has established a Downtown Revitalization Fund and Storefront Grant Program which, in cooperation with the City Historic Preservation Commission, provides grants and loans for the preservation of historic storefronts and buildings; and

WHEREAS, Chapter 403 of the Code of Iowa allows the City to enter into any contracts or agreements necessary to effectuate the purposes of the urban renewal law and the City desires to from time to time enter into development agreements with PCDC to utilize the expertise and services of PCDC in implementing the Amended Bluffs Center I Urban Renewal Plan and South Main Urban Renewal Plan in a prompt and efficient manner and to provide other assistance to the City as may be requested and to continue to support the efforts of PCDC in cooperation with the City to preserve historic storefronts and buildings within the Bluffs Center I Urban Renewal Area and South Main Urban Renewal Area.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL BY THE CITY OF COUNCIL BLUFFS, IOWA AS FOLLOWS:

1. The City hereby expresses its intent to enter into contracts and agreements with PCDC from time to time for purposes of effectuating the purposes of the urban renewal law and to utilize PCDC to implement the Amended Bluffs Center I Urban Renewal Plan and the South Main Urban Renewal Plan.

2. The City expresses its continued support of PCDC in utilizing the Downtown Revitalization Fund established by PCDC for purposes of encouraging the preservation of historic storefronts and buildings in these urban renewal areas and to work and cooperate with the City in that regard.

ADOPTED

AND

APPROVED: June 22, 2009

Thomas P. Hanafan, Mayor

ATTEST:

Marcia L. Worden, Acting City Clerk